Claims 1-15 are currently active.

The Examiner has rejected Claims 1 and 9 as being anticipated by Gorshe. Yet, the Examiner argues that Claims 1 and 9 are obvious over Gorshe in view of Romiti. Applicant respectfully traverses this rejection.

Referring to Gorshe, there is taught an interfacing device 5 performs the basic functions essential to carrying out the objectives of the invention taught by Gorshe. The interface device has a pair of input ports 10, 12, a pair of output ports 14, 16, and a pair of bi-directional ports 18, 20. The timing and synchronization aspects of the interface device are handled through the primary clock input 22, the primary frame pulse input 24, the reference clock output 26, and the reference frame pulse output 28. When the interface device is implemented in a receive path, data from a tributary units flow into one or both of the input ports 10, 12. The data may also flow into the interface device through one or both of the bi-directional ports 18, 20 and from neighboring interface devices with which it is cascaded. All data latched into the device by the input port data latches 30, 32 is made available to the time slot assignment portions of the device. The swap offers 38, 40 perform time slot assignment functions on the data which is presented to them by the latch is 34, 36. See column 6, lines 40-65.

When the device is implemented in a transmit path, data from the TSI units flow into one of both of the input ports 10, 12. All data latched into the device by the input port data latches 30, 32 is made available to the time slot assignment portions of the path. As with the receive path operation, the 4:1 selection data latches 34 and 36 functions to route any of the nine-bit wide input data rails to the swap buffers 38, 40, which perform time slot assignment functions on the data which is presented to them by the latches 34, 36. See column 7, lines 5-16. As is clear from the above description of the operation of the architecture taught by Gorshe, data rails are used to transfer the input data from the input port to an output port.

Referring to Romiti, there is disclosed methods and a system for switching time-division-multiplex digital signals of different rates. Romiti specifically teaches to use a modular subrate switch designed specifically to switch subrate channels, efficiently and effectively to accomplish the subrate switching functions demanded by a particular telecommunications applications so any normal rate switch does not have to be redesigned. See column 5, line 35-45.

Romiti teaches a telecommunications switching system 10 includes a normal rate switch 14 and a subrate switch 12 for switching subrate channels transmitted at less than 64 kbps. Traffic switches from/to external telecommunications equipment is switched at a normal rate through normal rate switch 14. Subrate switch traffic from/to external telecommunications equipment is routed via connections through the normal rate switch 14 to

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the subrate switch 12 specifically allocated to handle subrate channel switching. See column 5, line 45-57.

The Examiner is combining the teachings of Romiti in regard to a first input port card receiving data at a first rate and the second input port card receiving data at a second rate, with the teachings of Gorshe to arrive at Claim 1 of applicant. It is respectfully submitted the law prevents the combination of these teachings.

First, the law requires that there must be some teaching in the references themselves to combine the teachings the Examiner is relying upon to arrive at Claim 1 of applicants. It is respectfully submitted there is no such teaching in the applied art of record. It is only with the use of hindsight from Claim 1 of applicant that these teachings of these two references would be combined. It is respectfully submitted the Examiner is using the limitations of applicant Claim 1 as a road map to find the different limitations in the different references, and having found them, concludes that applicant's Claim 1 is arrived at. This is not patent law.

Furthermore, the teachings of each reference cannot be taken out of the context in which it is found. It is clear from the teachings of Romiti that a normal rate switch 14 and a subrate switch 12 is key to the dual switch architecture taught by Romiti. It is because of this dual switch architecture that different rates can be accepted at different port cards. In
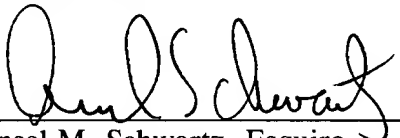
contrast, the architecture of Gorshe has no such dual switch architecture, and instead uses data rails which is a totally different basis for the architecture of Gorshe. These architectures are completely distinct and not combinable, without significant redesign and development of each of the architectures of the applied art record. Accordingly, Claim 1 is not obvious from the applied art of record. For the same reasons, Claim 9 is not obvious from the applied art of record.

The Examiner has objected to Claims 2-8 and 10-15.

In view of the foregoing remarks, it is respectfully requested that the outstanding rejections and objections to this application be reconsidered and withdrawn, and Claims 1-15, now in this application be allowed.

Respectfully submitted,

JEFF SCHULZ

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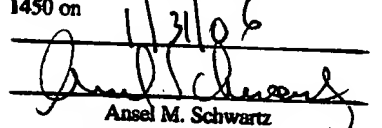Ansel M. Schwartz, Esquire
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